

KEES Administrative Regulation Amendment

Action: The staff recommends that the council propose amendments to the administrative regulation, entitled *13 KAR: 2:090 Kentucky Educational Excellence Scholarship* (copy attached), so that the administrative regulation can complete the Legislative Research Commission amendment process and be reviewed following the requirements of KRS Chapter 13A.

The KEES administrative regulation should be revised in order to:

- Clarify that participating institutions are postsecondary education institutions.
- Clarify that unless explicitly exempt a student must graduate from a Kentucky high school to receive a base award.
- Require all participating postsecondary institutions to report student credit hours and quality points for calculating cumulative grade point averages for eligible students for all courses attempted.
- Implement changes to KRS 164.7535 and KRS 164.7879 approved by the General Assembly in the 2002 Regular Session. (Governor Patton signed legislation approved by the 2002 General Assembly to extend the KEES base and supplemental awards to the children of Kentucky's active military parents and to consider some college programs that merge undergraduate and graduate study as equivalent to undergraduate programs for KEES award purposes.)

The attachment presents the proposed changes to the KEES administrative regulation.

The administrative regulation review process takes place over a four-to-six month period and requires two public hearings. In order to have the changes in place prior to the fall 2002 semester, a draft of the regulation was filed April 15, 2002.

The council staff proposes that institutions participating in the KEES program submit credit hours and quality points earned by each eligible student to the Kentucky Higher Education Assistance Authority for annual calculation of cumulative grade point averages.

An initial public hearing on the proposed amendment, scheduled for March 28, 2002, was cancelled because the required number of people did not indicate they planned to attend. A second hearing will be scheduled. Notice of the proposed meeting will be sent to all interested parties and public and independent institutional representatives.

The council staff proposes incorporating additional changes that may result from the second hearing to the council's KEES administrative regulation. The final regulation, with any additional amendments, will be presented to the council at the conclusion of the review process.

Staff preparation by Barbara Cook

COUNCIL ON POSTSECONDARY EDUCATION

(Amendment)

13 KAR 2:090. Kentucky Educational Excellence Scholarship (KEES) Program.

RELATES TO: KRS 154A.130(4), 156.070, 164.7871, 164.7874, 164.7877, 164.7879, 164.7881, 164.7885, 164.7889

STATUTORY AUTHORITY: KRS 164.020(28), 164.7874 ~~[(1), (3), (7)]~~, 164.7877(3), 164.7879(1) and ~~[(3)]~~ (3), 164.7881(4)(a) and ~~[(6)]~~ (6) ~~[-, EO 98-1592]~~

NECESSITY, FUNCTION, AND CONFORMITY: KRS 164.7877(3) requires the council to administer the Kentucky Educational Excellence Scholarship (KEES) Program. KRS 164.7877(3) requires the council to administer the funds appropriated to the trust fund for the program. KRS 164.7874(13) requires the council to develop and implement standards for high school curriculum as they relate to eligibility for participation in the program. KRS 164.7879(3)(c) requires the council to determine the eligibility of a noncertified, nonpublic high school graduate and for a GED recipient for a supplemental award. KRS 164.7874(3) requires the council to establish a table to convert an SAT score to an ACT standard. KRS 164.7881(6) requires the council to establish a five (5) year postsecondary education program standard. KRS 164.7881(4)(a) requires the council to establish overall award levels for the program. This administrative regulation establishes those requirements relating to the Kentucky Educational Excellence Scholarship (KEES) Program.

Section 1. Definitions. (1) "Academic term" means the fall or spring semester or their equivalence under a trimester or quarter system at a postsecondary education institution and shall not include summer sessions.

(2) "Academic year" is defined in KRS 164.7874(2).

(3) "ACT" means the test:

(a) Administered to a student for entrance to a Kentucky postsecondary education institution;
and

(b) Owned by the ACT Corporation of Iowa City, Iowa.

(4) "Advanced placement" means a cooperative educational endeavor between secondary schools and colleges and universities administered by the College Board of the Educational Testing Service and recognized by KDE.

(5) "Authority" or "KHEAA" is defined in KRS 164.7874(4).

(6) "Council" or "CPE" is defined in KRS 164.7874(6).

(7) "Eligible high school student" is defined in KRS 164.7874(7) and KRS 164.7879(2)(c).

(8) "Enrolled" means the status of a student who has completed the registration requirements, except for the payment of tuition and fees, at a participating postsecondary education institution that a student is attending.

(9) "GED" means a general educational development diploma awarded to a student.

(10) "High school" is defined in KRS 164.7874(11).

(11) "International baccalaureate course" means a course in a secondary education program sponsored by the International Baccalaureate Organization and recognized by the KDE in 704 KAR 3:340, Section 2(3)(b).

(12) "KDE" means the Kentucky Department of Education authorized and established pursuant to KRS 156.010.

(13) "KEES curriculum" is defined in KRS 164.7874(13).

(14) "Participating institution" is defined in KRS 164.7874(17).

(15) "SAT" means the test:

(a) Administered to a student for entrance to a Kentucky postsecondary education institution;

and

(b) Owned by the college board.

Section 2. High School Grade Point Average Calculation and Reporting. (1) An eligible student's grade point average, as defined in KRS 164.7874(10), for an academic year shall be calculated using each grade awarded for all courses taken during an academic year.

(2)(a) Except as provided in paragraph (b) of this subsection, an eligible student's grade point average shall be calculated by:

1. Taking the number of units in a course multiplied by the course grade as expressed on a 4.0 point grading scale where 4.0 is an "A" and 0.0 is an "F;"

2. Adding the total number of points accumulated for an academic year; and

3. Dividing the total number of points accumulated in subparagraph 2 of this paragraph by the total number of units for the academic year.

(b) Notwithstanding the provisions of paragraph (a)1. of this subsection, for an eligible high school student taking an advanced placement or international baccalaureate course during the academic year, the grade assigned shall be calculated using a 5.0 point scale where 5.0 is an "A" and 1.0 is an "F."

(3) The grade point average reported for an eligible high school student for each academic year shall include all information as set forth in KRS 164.7885(1) and in the manner as the KDE or the KHEAA shall require.

(4) A high school student who participated in an educational high school foreign exchange program or the Congressional Page School that was approved by the student's local high school shall have the student's grade point average reported in accordance with KRS 164.7879(2)(b).

(5)(a) An eligible high school student under the provisions of KRS 164.7879(2)(c) must establish Kentucky residency and domicile with the council in accordance with 13 KAR 2:045 and KRS 164.7879(2)(c)1. and 2.

(b) The council shall annually certify to the Kentucky Department of Education the names of students who are eligible under the provisions of KRS 164.7879(2)(c).

(c) The Kentucky Department of Education, upon receipt of the list of students under the terms of this subsection, shall be responsible for:

1. requesting grade information from the local school; and
2. determining eligibility for a KEES scholarship base award.

(d) The provisions of this subsection shall be effective with the 2001-02 academic year.

Section 3. KEES. (1) A Kentucky postsecondary education student shall be eligible to receive a base scholarship award when the student:

- (a) has earned a base scholarship award in high school;
- (b) has completed the KEES curriculum as set forth in sub-section (2) of this section;
- (c) has graduated from a Kentucky high school; and
- (d) is enrolled in a participating institution in an eligible program.

(2) ~~[A student shall complete the KEES curriculum established in this section to qualify for the base scholarship award.]~~

~~[(a)]~~ Except as provided in subsection (3) ~~[paragraph (b)]~~ of this Section ~~[subsection]~~, the KEES curriculum shall consist of the courses and electives required by this subsection ~~[paragraph]~~.

~~(a)[1.]~~ For a student enrolled in high school during the 1998-1999 academic year, the curriculum required in 704 KAR 3:305, Section 1 or 2, as appropriate without restriction on the type of electives taken.

~~(b)[2.]~~ For a student enrolled in high school during the 1999-2000 and 2000-01 academic years and who is required to meet the curriculum standards in 704 KAR 3:305, Section 1, the eight (8) electives required by 704 KAR 3:305, Section 1, shall be taken in the areas and according to the standards established in paragraph d ~~[subparagraph 4]~~ of this paragraph.

~~(c)[3.]~~ For a student enrolled in high school during 1999-2000 and for each year thereafter who

is required to meet the curriculum standards in 704 KAR 3:305, Section 2, five (5) of the seven (7) electives required by 704 KAR 3:305, Section 2 shall be taken in the areas and according to the standards established in paragraph d ~~[subparagraph 4]~~ of this paragraph.

(d)~~[4.]~~ The following subject areas and standards shall be applicable for electives. An elective in:

1. ~~[a.]~~ Social studies, science, mathematics, English/language arts, or arts and humanities shall be a course whose academic content is as rigorous as the content established for courses in this area in 703 KAR 4:060.

2. ~~[b.]~~ Physical education or health shall be a course whose academic content is as rigorous as the content established for courses in this area in 703 KAR 4:060, and shall be limited to one-half (1/2) academic unit of credit for each area.

3. ~~[c.]~~ Foreign languages shall be a course whose academic content includes teaching the spoken and written aspects of the language.

4. ~~[d.]~~ Agriculture, industrial technology education, business education, marketing education, family and consumer sciences, health sciences, technology education or career pathways shall be a course whose academic content is beyond the introductory level in the vocational education areas of study as established by 703 KAR 4:060.

(3) ~~[(b)]~~ A high school may substitute an integrated, applied, interdisciplinary or higher level course for a required course or required elective if:

(a) ~~[1.]~~ The course provides the same or greater academic rigor and the course covers the minimum required content areas or exceeds the minimum required content areas established in 703 KAR 4:060, and the document "Academic Expectations"; or

(b) ~~[2.]~~ The course is an honors course, cooperative education course, advanced placement course, international baccalaureate course, dual credit course, or a course taken at a postsecondary education institution.

(4) ~~[(2)]~~ A high school annually shall provide written documentation to a student on whether the student's schedule of coursework meets the requirements of the KEES curriculum.

Section 4. Eligible Postsecondary Education Programs. (1) An eligible program shall be a certificate or degree program offered by a participating institution and recognized by the council.

(2) An eligible program at an out-of-state participating institution shall be limited to those programs that qualify through the Academic Common Market administered by the Southern Regional Education Board.

(3) (a) Pursuant to KRS 164.7881(6), the following academic programs shall be approved as five (5) year baccalaureate degree programs:

1. ~~[(a)]~~ Architecture (04.0201);
2. ~~[(b)]~~ Landscape architecture (04.0601); and
3. ~~[(c)]~~ Engineering (14.0101, 14.0301, 14.0701, 14.0801, 14.0901, 14.1001, 14.1201, 14.1701, 14.1801, 14.1901, 14.2101, 14.9999.01).

(b) Pursuant to KRS 164.7535 and KRS 164.7881(4)(c)1., the following academic programs are designated as equivalent undergraduate programs of study:

1. Pharm. D; and
2. Kentucky Contract Spaces in
 - a. optometry; and
 - b. veterinary medicine.

(c) Paragraph (b) of this subsection shall be subject to the provisions of KRS 164.7881(3).

(d) The provisions of paragraph (b) of this subsection shall be effective with the 2001-02 academic year.

Section 5. Base Scholarship Award. A Kentucky resident enrolled in a Kentucky high school who is eligible for a base scholarship award shall be limited to a maximum of four (4) base scholarship awards.

- 1 Section 6. SAT Conversion Table. Pursuant to KRS 164.7874(3), the following SAT to ACT
- 2 Conversion Table shall be used:

Table C-2 Concordance Between SAT I Recentered V+M Score and ACT Composite Score									
SAT I V+M	ACT Compos- ite	SAT I V+M	ACT Compos- ite	SAT I V+M	ACT Composite	SAT I V+M	ACT Compos- ite	SAT I V+M	ACT Compos- ite
1600	35-36	1370	31	1140	25	910	19	680	14
1590	35	1360	31	1130	25	900	19	670	14
1580	35	1350	30	1120	24	890	18	660	14
1570	35	1340	30	1110	24	880	18	650	13
1560	35	1330	30	1100	24	870	18	640	13
1550	34	1320	30	1090	24	860	18	630	13
1540	34	1310	29	1080	23	850	17	620	13
1530	34	1300	29	1070	23	840	17	610	13
1520	34	1290	29	1060	23	830	17	600	13
1510	34	1280	29	1050	22	820	17	590	13
1500	33	1270	28	1040	22	810	17	580	12
1490	33	1260	28	1030	22	800	16	570	12
1480	33	1250	28	1020	22	790	16	560	12
1470	33	1240	28	1010	21	780	16	550	12
1460	33	1230	27	1000	21	770	16	540	12
1450	32	1220	27	990	21	760	16	530	12
1440	32	1210	27	980	21	750	15	520	12
1430	32	1200	26	970	20	740	15	510	11
1420	32	1190	26	960	20	730	15	500	11
1410	32	1180	26	950	20	720	15		
1400	31	1170	26	940	20	710	15		
1390	31	1160	25	930	19	700	14		
1380	31	1150	25	920	19	690	14		
<p>This table can be used to relate SAT I V+M scores to ACT Composite scores. The estimates are based on the test scores of 103,525 students from fourteen (14) universities and two (2) states who took both the ACT and the SAT I between October 1994 and December 1996. Because the ACT and the SAT I have different content, students' actual scores on the ACT could differ significantly from the concordance estimates in the table.</p> <p>Source: ACT, Inc. Questions about the concordance study may be directed to ACT's Research Division (319/337-1471).</p> <p>January 1998</p>									

Section 7. Criteria for Supplemental Award to Noncertified, Nonpublic High School Students and to GED Students. (1) A Kentucky resident who is a citizen, national or permanent resident of the United States and who graduates from a nonpublic Kentucky high school not certified by the Kentucky Board of Education shall be eligible for a supplemental award if:

(a) The student is not a convicted felon;

(b) The date of the student's graduation is May 1999 or thereafter;

(c) The student takes the ACT or SAT and has at least a minimum score as established by KRS 164.7879(3); and

(d) The student enrolls in a participating institution within five (5) years after graduation from high school.

(2) A Kentucky resident who is a citizen, national or permanent resident of the United States and who has not graduated from either a certified Kentucky high school or a nonpublic Kentucky high school that is not certified by the Kentucky Board of Education shall be eligible for a supplemental award if:

(a) The student is not a convicted felon;

(b) The student's eighteenth (18) birthday occurs on or after January 1, 1999;

(c) The student takes and receives a GED diploma in Kentucky within five (5) years of attaining eighteen (18) years of age;

(d) The student takes the ACT or SAT and achieves a minimum score for eligibility as established by KRS 164.7879(3); and

(e) The student enrolls in a participating institution after July 1, 1999, and within five (5) years of receiving the GED diploma.

(3) A student who graduates from or attends an accredited out-of-state high school or Department of Defense school qualifies for a supplemental award where:

(a) the parents meet the provisions of KRS 164.7879(2)(c)1. and 2.;

1 (b) An eligible student takes and receives a GED diploma within five (5) years of attaining
2 eighteen (18) years of age;

3 (c) The student takes the ACT or SAT and achieves a minimum score for eligibility as estab-
4 lished by KRS 164.7879(3); and

5 (d) The student enrolls in a participating institution within five (5) years of receiving the GED
6 diploma.

7 (4) A student requesting a supplemental award under this section shall notify the participating
8 institution where the student has or intends to enroll.

9 (5) ~~[(4)]~~(a) Residency shall be determined by a participating institution in accordance with 13
10 KAR 2:045.

11 (b) A participating institution shall determine a student's eligibility for a supplemental award
12 under this section and shall notify KHEAA of the student's eligibility.

13 Section 8. Supplemental Award. An eligible high school student who receives a supplemental
14 award as a result of taking and receiving a GED within five (5) years of obtaining eighteen (18)
15 years of age shall have a maximum of five (5) years eligibility beyond the date the GED is re-
16 ceived.

17 Section 9. Requirements for Participating Institutions. (1) A participating institution shall submit
18 credit hours and quality points for an eligible postsecondary education student as set forth in
19 KRS 164.7881 (4)(c) for each award period.

20 (2) The participating institution where the eligible student is currently enrolled shall inform
21 KHEAA of the student's credit hours and quality points. KHEAA will ascertain the continuing
22 eligibility of the eligible postsecondary education student based on the cumulative grade point
23 average earned without regard to the institution where the grade is earned.

24 Section 10. Administrative Responsibilities and Expenses of Program. (1) The CPE annually
25 shall determine the level of funding for expenses associated with the program and shall allocate

funds from the "Wallace G. Wilkinson Kentucky Educational Excellence Scholarship Trust Fund" described in KRS 164.7877(1) and (3).

(2) The KDE and the KHEAA annually, by June 15, shall provide to the CPE a budget proposal indicating the amount of funds requested and a detailed listing of the expenditures necessary to operate the program.

(3) The CPE shall notify the KDE and the KHEAA of the amount of funds available for the next fiscal year no later than April 30 of the fiscal year preceding the fiscal year that funds are to be made available.

(4) The CPE shall develop an allotment schedule for the release of the administrative funds and shall notify the KDE and the KHEAA of that schedule.

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